

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L ABUJA 001046

SIPDIS

E.O. 12958: DECL: 05/08/2006

TAGS: [PHUM](#) [PREL](#) [PGOV](#) [KISL](#) [KIRL](#)

SUBJECT: SHARIA IN ZAMFARA--A NEW LOW

REF: (A) ABUJA 215 (B) ABUJA 424 (C) 00 ABUJA 419 (D)
ABUJA 405

1. (U) Summary: Governor Ahmed Sani on May 3 permitted the second hand-amputation since the return of criminal Sharia in Zamfara State in February, 2000. The victim had been convicted of stealing three bicycles in July 2000, and the sentence had been held in abeyance since that time. The timing of the amputation, almost one year after the conviction, makes the decision to go forward appear politically motivated. Many Nigerian Muslims--including those who support criminal Sharia--have expressed outrage over the cavalier and politicized approach to Sharia punishments in Zamfara, but fear criticizing the wildly-popular Sani publicly. At this point, Zamfara's indigent citizens are subject to the most extreme type of Sharia penalties, which are enforced by political judges lacking adequate training in Sharia jurisprudence. Unlike their co-religionists in other countries living under Islamic criminal law, Muslims in Zamfara State do not even benefit from the defenses and procedures required by classical Sharia doctrine--which usually make a sentence of amputation nearly impossible to carry out. End Summary.

2. (C) The personal physician to Governor Sani, Dr. Bello Buzu, amputated the hand of convicted bicycle thief Lawal Isa on Thursday, May 3. Isa had been convicted of stealing three bicycles by the Upper Sharia Court in the Gummi Local Government Area of rural Zamfara State on July 7, 2000. While Sani told Poloff nearly one year ago that there would be "no more" amputations in Zamfara, and that he would abide by an informal agreement with the Executive to set aside those sentences, conditions appear now to have changed.

3. (U) This case, along with the amputation of Buba Jangebe for cattle rustling and the flogging of 14-year-old Bariya Magazu for alleged fornication in January, defines the state of Sharia jurisprudence in Zamfara State (Ref. A). While other states (like Sokoto) have had alkali judges pronounce amputation sentences, these have all been set aside either on formal appeal or by executive review. Zamfara's politicized Sharia punishments continue to be focused on the most defenseless of its citizens, while the well-known misdeeds of Zamfara's political elite--including some recently dismissed Sharia judges--go unpunished. Sharia "Hadd" punishments, such as amputation, are intended to be imposed only in extremely rare cases (Pakistan has not had an amputation since it introduced Sharia law in 1979). In Zamfara, however, they appear to be used to advance purely political interests. Many Muslim Nigerians--including those who support some version of criminal Sharia--are outraged over the brazenly political manipulation of their tradition, and at the lack of either Constitutional or traditional Sharia protections afforded Zamfara's Muslims.

4. (C) Comment: The timing of this amputation may not have been co-incidental. It was performed immediately prior to President Obasanjo's trip to the U.S., one week after the USCIRF released its Religious Freedom Report (which was critical of Zamfara0, and four days after Muslim fundamentalist Ibrahim Zakzaky publicly described Sharia in Zamfara as being a sham. Some Nigerian contacts have suggested that when foreign human rights institutions begin focusing on Sharia, pressure mounts among Zamfara's Sharia zealots for Governor Sani to prove that he is serious about Sharia. President Obasanjo's desire for re-election, and his growing unpopularity in the North--considered largely responsible for his victory in 1999--may also have led Governor Sani to feel the he could allow another amputation with impunity. Sani is also playing to his foreign audience of supporters, which include, as he admitted informally to Poloff last year, Iranians, Iraqis and Libyans.

5. (C) Comment continued: The political manipulation of Sharia in Zamfara has created an environment in which its Muslim citizens, human rights can be arbitrarily violated. It is also useful to compare Sharia as it is being practiced in Zamfara to Islamic criminal jurisdictions elsewhere in the world. From the way these three cases have been handled, it can be conclusively said that defendants facing "hadd" Sharia

punishments in Zamfara are afforded fewer of the classical Sharia procedural protections and substantive defenses than their co-religionists in Pakistan, Libya, Iran or even the Sudan. Half-baked and hastily adopted, Zamfara's version of political Sharia is not only bad from the human rights perspective, it is also bad Sharia.

Andrews